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7 POLICE DEPARTMENT, CHIEF WAYNE
TUCKER, SGT. BERNARD ORTIZ
8

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**
13

14 MIGUEL ORTEGA, BENJAMIN ORTEGA,

15 Plaintiffs,

16 v.

17 CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT, WAYNE TUCKER, In His
18 Capacity as the Police Chief of the City of
Oakland, RAMON J. ALCANTAR, Individually
19 and in his capacity as a Police Officer for the
City of Oakland, B. ORTIZ, Individually and in
20 his capacity as a Police Officer for the City of
Oakland, DOES 1 THROUGH 200,

21 Defendants.
22

Case No. C-07-02659 (JCS)

**DECLARATION OF SGT. BERNARD
ORTIZ IN SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Date: September 19, 2008
Time: 9:30 a.m.
Dept.: Courtroom A, 15th Floor
The Honorable Joseph C. Spero

23 I, Bernard Ortiz, declare:

24 1. The matters set forth herein are known to me to be true, and if called upon, I could
25 competently testify thereto.

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1 2. I am a sergeant for the Oakland Police Department. I am also one of the named
2 defendants in this case.

3 3. I am Hispanic, my parents being Mexican-American and Puerto Rican. I am very
4 fair complected and was so on the date of the incident that gave rise to this case, May 7, 2006.

5 4. I am also very familiar with Ramon Alcantar, another named defendant in this
6 action. Ramon Alcantar I also know to be Hispanic. Ramon Alcantar is also very fair complected
7 and was on the day of the incident that gave rise to this case, May 7, 2006.

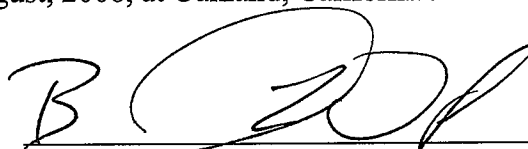
8 5. On May 7, 2006, I did not carry a Taser weapon. In fact I had not been trained or
9 authorized to carry a Taser weapon prior to May 7, 2006. I was trained in the use of a Taser in
10 early 2007.

11 6. When I and Officer Alcantar approached the house where we detained Benjamin
12 Ortega and Miguel Ortega, at no time did I make any statements to the effect of that the individuals
13 present better make sure they had their green cards or we would contact the Immigration and
14 Naturalization Service.

15 7. On May 7, 2006, at no time did I make any statement in an attempt to reach an
16 agreement with either Benjamin Ortega or Miguel Ortega that I would not arrest and release them
17 in return for an agreement from them to not sue the City of Oakland or myself.

18 I declare under penalty of perjury under the laws of the State of California and the United
19 States of America that the foregoing is true and correct.

20 Executed this 8th day of August, 2008, at Oakland, California.

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22 
23 BERNARD ORTIZ